

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DONALD P. MILIONE, D.C.,

Plaintiff,
-against-

HUMANA INSURANCE COMPANY OF NEW
YORK; UNITED HEALTHCARE;
OPTUMHEALTH CARE SOLUTIONS, LLC;
OXFORD HEALTH PLANS,

Defendants.

ANALISA TORRES, District Judge:

On July 8, 2020, Plaintiff filed a request for a Clerk's Certificate of Default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Rule 55.1. ECF No. 15 (mislabeled as "motion for default judgment"). On July 27, 2020, the Clerk of Court noted deficiencies in that filing. *See* July 27, 2020 docket entry. On July 28, 2020, Plaintiff again filed a request for a Clerk's Certificate of Default, mislabeled as a motion for default judgment. ECF No. 19.

As yet, Plaintiff has not obtained a Clerk's Certificate of Default. Although in substance the motions filed on July 8 and July 28 are requests for certificates of default, it appears that Plaintiff selected the wrong ECF event and did not fully comply with the terms of Local Rule 55.1, and as a result the Clerk of Court has not yet reviewed his request.

To avoid confusion, the motions at ECF Nos. 15 and 19 are DENIED. It is ORDERED that by **August 21, 2020**, Plaintiff shall file a new request for a certificate of default that complies with Local Rule 55.1 and Section 16.1 of the SDNY Electronic Case Filing Rules and Instructions.

In order to allow time for Plaintiff to complete the process of obtaining a certificate of default, and to submit a motion for default judgment compliant with Rule III(M) of this Court's Individual Practices in Civil Cases, the initial pretrial conference scheduled for August 17, 2020, is ADJOURNED to **September 17, 2020, at 11:40 a.m.** The conference shall proceed telephonically. The parties are each directed to call either (888) 398-2342 or (215) 861-0674, and enter access code 5598827. By **September 10, 2020**, Plaintiff shall file his motion for default judgment.

The Clerk of Court is directed to terminate the motions at ECF Nos. 15 and 19.

SO ORDERED.

Dated: August 11, 2020
New York, New York

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20 Civ. 2100 (AT)

ORDER



ANALISA TORRES
United States District Judge